

WEDNESDAY, APRIL 1, 1992

SEVENTY-EIGHTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Jim Chilton, North Boulevard Church of Christ, Murfreesboro, Tennessee.

Representative Bragg led the House in the Pledge of Allegiance to the Flag..

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Byrd; due to birth of new baby.

Representative Garrett; due to illness.

Representative Purcell; due to illness.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 94

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

**REPORT OF CHIEF ENGROSSING CLERK**

**March 31, 1992**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 946; also, House Joint Resolution(s) No(s). 571; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

**March 31, 1992**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1868, 1974, 2333, 2341, 2349, 2351 and 2539; also, House Joint Resolution(s) No(s). 454; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

**March 31, 1992**

The Speaker announced that he had signed the following: House Bill(s) No(s). 1868, 1974, 2333, 2341, 2349, 2351 and 2539; also, House Joint Resolution(s) No(s). 454.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**March 1, 1992**

**MR. SPEAKER:** Your Calendar and Rules Committee reports that we have met and set the following bills on the Regular Calendar for Thursday, April 2, 1992: House Bill(s) No(s). 2050, 1960, 1961, 1962, 1963, 1967, 2355, 2765, 2502, 2267, 2093 and 1687; also, House Joint Resolution(s) No(s). 447.

We have also set the following bills on the Regular Calendar for Monday, April 6, 1992: House Bill(s) No(s). 2516.

We further report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, April 6, 1992: House Bill(s) No(s). 1905, 2189, 2524, 2535, 2302, 2430, 2261, 2262, 2712, 2016, 2416, 2723 and 1712; also, House Joint Resolution(s) No(s). 515.

We further report that the following was/were referred to Finance, Ways, and Means: House Bill No. 2501.

PHILLIPS, Chair.

**REPORTS FROM STANDING COMMITTEES**

**COMMERCE**

**March 31, 1992**

MR. SPEAKER: Your Commerce Committee reports that the following was/were considered but failed to pass: House Bill No. 2392.

RHINEHART, Chair.

**CONSERVATION AND ENVIRONMENT**

**March 31, 1992**

MR. SPEAKER: Your Conservation and Environment Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1996.

HILLIS, Chair.

Under the rules, House Bill(s) No(s). 1996 was/were transmitted to the Calendar and Rules Committee.

**EDUCATION**

**March 31, 1992**

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 2136, 2413 and 2755; also, House Bill(s) No(s). 1680 and 2450 if amended.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 1410; also, House Bill(s) No(s). 2039 and 2521 if amended.

DAVIDSON, Chair.

Under the rules, House Bill(s) No(s). 2136, 2413 and 2755; also, House Bill(s) No(s). 1680 and 2450 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 1410; also, House Bill(s) No(s). 2039 and 2521 with amendment(s) to the Finance, Ways and Means Committee.

**FINANCE, WAYS AND MEANS**

**March 31, 1992**

**MR. SPEAKER:** Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1938, 2030, 2031, 2033, 2434, 2523, 2537 and 2657; also, House Bill(s) No(s). 1701, 1873 and 2568 if amended.

**BRAGG, Chair.**

Under the rules, House Bill(s) No(s). 1938, 2030, 2031, 2033, 2434, 2523, 2537 and 2657; also, House Bill(s) No(s). 1701, 1873 and 2568 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

**GOVERNMENT OPERATIONS**

**March 31, 1992**

**MR. SPEAKER:** Your Government Operations Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1769, 1777, 1779, 1782, 1815, 1835 and 1837; also, House Bill(s) No(s). 1825 and 2696 if amended.

**KING, Chair.**

Under the rules, House Bill(s) No(s). 1769, 1777, 1779, 1782, 1815, 1835 and 1837; also, House Bill(s) No(s). 1825 and 2696 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

**STATE AND LOCAL GOVERNMENT**

**March 31, 1992**

**MR. SPEAKER:** Your State and Local Government Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1921, 2334, 2462, 2609, 2748 and 2749; also, House Bill(s) No(s). 459, 1000, 2114, 2194, 2228, 2235, 2236, 2437 and 2623 if amended.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 2129 and 2512; also, House Bill(s) No(s). 2433 if amended.

**LOVE, Chair.**

Under the rules, House Bill(s) No(s). 1921, 2334, 2462, 2609, 2748 and 2749; also House Bill(s) No(s). 459, 1000, 2114, 2194, 2228, 2235, 2236, 2437 and 2623 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 2129 and 2512; also, House Bill(s) No(s). 2433 with amendment(s) to the Finance, Ways and Means Committee.

**TRANSPORTATION**

**March 31, 1992**

MR. SPEAKER: Your Transportation Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1730, 1955, 2423 and 2604; House Bill(s) No(s). 2230 if amended; for adoption: House Joint Resolution(s) No(s). 495; House Joint Resolution(s) No(s). 474 if amended; also, for concurrence: Senate Joint Resolution(s) No(s). 286.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 2403; also, House Bill(s) No(s). 1725 if amended.

ROBB ROBINSON, Chair.

Under the rules, House Bill(s) No(s). 1730, 1955, 2423 and 2604; House Bill(s) No(s). 2230 with amendment(s); House Joint Resolution(s) No(s). 495; House Joint Resolution(s) No(s). 474 with amendment(s); also, Senate Joint Resolution(s) No(s). 286 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 2403; also, House Bill(s) No(s). 1725 with amendment(s) to the Finance, Ways and Means Committee.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**April 1, 1992**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Monday, April 6, 1992**: House Bill(s) No(s). 2288, 2002, 1169, 341, 1871, 2110, 1748, 1950, 2485, 2706, 1817, 1970, 1696, 2212, 2240, 2350 and 2037.

We have also set the following bills on the **Regular Calendar** for **Wednesday, April 8, 1992**: House Bill(s) No(s). 2415, 2427 and 1707.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 6, 1992**: House Bill(s) No(s). 2711, 2169, 2274 and 2162.

PHILLIPS, Chair.

**REPORTS FROM STANDING COMMITTEES**

**CONSERVATION AND ENVIRONMENT**

**April 1, 1992**

MR. SPEAKER: Your Conservation and Environment Committee reports that we have carefully considered and recommend for passage:

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House Bill(s) No(s). 2586; for adoption: House Joint Resolution(s) No(s). 593.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 2667.

HILLIS, Chair.

Under the rules, House Bill No(s). 2586; also, House Joint Resolution(s) No(s). 593 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 2667 to the Finance, Ways and Means Committee.

**HEALTH AND HUMAN RESOURCES**

**April 1, 1992**

MR. SPEAKER: Your Health and Human Resources Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 2143; also, House Bill(s) No(s). 1150, 1762, 1767 and 2335 if amended.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 2193 and 2587; also, House Bill(s) No(s). 2066 if amended.

DIXON, Chair.

Under the rules, House Bill(s) No(s). 2143; also, House Bill(s) No(s). 1150, 1762, 1767 and 2335 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 2193 and 2587; also, House Bill(s) No(s). 2066 with amendment(s) to the Finance, Ways and Means Committee.

**JUDICIARY**

**April 1, 1992**

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 508, 1732, 1947, 2213, 2558 and 2761; also, House Bill(s) No(s). 1119, 2182, 2196, 2247, 2561 and 2762 if amended.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Joint Resolution(s) No(s). 35; also, House Bill(s) No(s). 2025 if amended.

BUCK, Chair.

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Under the rules, House Bill(s) No(s). 508, 1732, 1947, 2213, 2558 and 2761; also, House Bill(s) No(s). 1119, 2182, 2196, 2247, 2561 and 2762 with amendment(s) was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Joint Resolution(s) No(s). 35; also, House Bill(s) No(s). 2025 with amendment(s) to the Finance, Ways and Means Committee.

### **RULES SUSPENDED**

Rep. Herron moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 618 out of order, which motion prevailed.

**House Joint Resolution No. 0618** -- Memorials, Sports -- Gleason High School girls' basketball team, TSSAA Class A state champion. by \*Herron.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Herron, the resolution was adopted.

A motion to reconsider was tabled.

### **RECESS**

On motion of Mr. Speaker Naifeh, the House stood in recess for a presentation. Remarks were made by Sen. Hamilton and Rep. Herron.

### **RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Bell, the roll call was dispensed with.

### **PRESENT IN CHAMBER**

Representative(s) Davis (Knox) was/were recorded as being present in the Chamber.

### **REGULAR CALENDAR**

**House Bill No. 2735** -- Contractors -- Restricts contractors from performing work in a classification other than classification for which contractor is licensed. Amends TCA 62-6-111.

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Further consideration of House Bill No. 2735, previously considered on March 23, 1992, at which time it was reset to the Calendar for April 1, 1992.

Rep. Head moved that House Bill No. 2735 be reset two weeks to the Calendar for April 15, 1992, which motion prevailed.

**\*House Bill No. 1719 -- Civil Service --** Authorizes a state employee under civil service to have a union representative to represent him in grievance hearing before civil service commission. Amends TCA, Title 8, Ch. 30, Pt. 3.

Rep. Windle moved that House Bill No. 1719 be reset one week to the Calendar for April 8, 1992, which motion prevailed.

**House Bill No. 1992 -- Correction, Dept. of --** Prohibits management level employee from working as private prison contractor working for state for three years after termination of state service. Amends TCA, Title 41, Ch. 24.

Further consideration of House Bill No. 1992, previously considered on March 19 and 25, 1992, at which time it was reset to the Calendar for April 1, 1992.

Rep. Rhinehart moved that House Bill No. 1992 be reset one week to the Calendar for April 8, 1992, which motion prevailed.

**House Bill No. 2269 -- Traffic Safety --** Permits municipality with population greater than 100,000 to levy fee up to 75 cents on traffic violation convictions; allows revenues generated from fee to be used for traffic safety and educational purposes. Amends TCA, Title 55, Ch. 10, Pt. 3.

On motion, House Bill No. 2269 was made to conform with Senate Bill No. 2260.

On motion, **Senate Bill No. 2260**, on same subject, was substituted for House Bill No. 2269.

Rep. Tindell moved that **Senate Bill No. 2260** be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 2260 by deleting from the amendatory language of Section 1(a) the words and figures "with a population greater than 100,000" and by substituting instead the language "with a population of not less than one hundred sixty

thousand (160,000) nor more than one hundred seventy thousand (170,000) according to the 1990 federal census or any subsequent federal census."

AND FURTHER AMEND by deleting the language of Section 1(c) in its entirety and by substituting instead the following:

(c) Revenues from the fee shall be used by the municipality for traffic safety, traffic education, and drug education programs.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Tindell moved that **Senate Bill No. 2260**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	89
Noes. . . . .	0
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Joyce Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odum, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winingham, Wix, Wood -- 89.

Representatives present and not voting were: Givens, Gunnels, Mr. Speaker Naifeh -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 2447** -- Local Education Agency -- Clarifies the present method of election of school superintendents by the county commission; may be retained until 1996 by counties electing superintendents in 1993. Amends Chapter, Public Acts of 1992 [SB 1231/HB 752].

Rep. Pinion moved that House Bill No. 2447 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2447 by redesignating Section 3 of the printed bill to be Section 5 and by adding the following new sections:

SECTION 3. Chapter 535 of the Public Acts of 1992, is amended in Section 8(4) by deleting the date "1996" and by substituting the date "1997".

SECTION 4. Chapter 535 of the Public Acts of 1992, is amended in Section 12(h)(3) by deleting the date "1996" and by substituting the date "1997".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Pinion moved that **House Bill No. 2447**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	0
Present and not voting. . . . .	4

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones, R (Shelby), Joyce Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Givens, Jackson, Jones, U (Shelby), Rigsby -- 4.

A motion to reconsider was tabled.

**\*House Bill No. 2594** -- Cooperatives -- Authorizes electric cooperatives to concurrently operate multi-channel and/or multipoint distribution system alongside a pre-existing, FCC licensed, multi-channel and/or multipoint distribution system if preexisting FCC licensee expressly agrees in writing. Amends TCA 69-25-228.

Rep. Pinion moved that House Bill No. 2594 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2594 by deleting subsection (a) from Section 2 and by substituting instead the following:

(a) Except as otherwise specifically provided in Section 4, this act shall apply to:

(1) All Medicare supplement policies delivered or issued for delivery in this state on or after July 1, 1992; and

(2) All certificates issued under group Medicare supplement policies, which certificates have been delivered or issued for delivery in this state.

AND FURTHER AMEND by adding in the second sentence of Section 4 between the words "health" and "organization" the language "care expenses where coverage is provided by a health maintenance".

AND FURTHER AMEND by deleting from Section 5(a) the language "at the time application is made" and by substituting instead the following:

upon request, but no later than when the agent first discusses the policy's provisions or limits of coverage with the applicant. In the case of direct response solicitation, the insurer shall include the outline of coverage when an application is distributed to the potential buyer.

AND FURTHER AMEND by deleting the last sentence of Section 6 and by substituting instead the following:

The insurer shall mail the refund directly to the applicant in a timely manner and shall not require the applicant to meet with the agent to receive the refund.

AND FURTHER AMEND by deleting the first sentence of Section 7 and by substituting instead the following:

Every issuer of Medicare supplement insurance policies or certificates in this state shall provide a copy of any Medicare supplement advertisement intended for use in this state whether through written, radio or television medium to the commissioner for review or approval by the commissioner.

AND FURTHER AMEND by deleting Section 11 and by substituting instead the following:

Tennessee Code Annotated, Sections 56-7-1401 through 56-7-1407 are amended by deleting those sections in their entirety and by substituting instead Sections 1 through 9 of this act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Pinion moved that **House Bill No. 2594**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	86
Noes. . . . .	0
Present and not voting. . . . .	6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones, R (Shelby), Joyce Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Chumney, Jackson, Jones, U (Shelby), Sipes, Stamps, Venable -- 6.

A motion to reconsider was tabled.

**House Bill No. 2183** -- Medicare and Medicaid -- Regulates issuance and content of Medicare supplement insurance policies. Amends TCA, Title 56.

Rep. Herron moved that House Bill No. 2183 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2183 by deleting subsection (a) from Section 2 and by substituting instead the following:

(a) Except as otherwise specifically provided in Section 4, this act shall apply to:

(1) All Medicare supplement policies delivered or issued for delivery in this state on or after July 1, 1992; and

(2) All certificates issued under group Medicare supplement policies, which certificates have been delivered or issued for delivery in this state.

AND FURTHER AMEND by adding in the second sentence of Section 4 between the words "health" and "organization" the language "care expenses where coverage is provided by a health maintenance".

AND FURTHER AMEND by deleting from Section 5(a) the language "at the time application is made" and by substituting instead the following:

upon request, but no later than when the agent first discusses the policy's provisions or limits of coverage with the applicant. In the case of direct response solicitation, the insurer shall include the outline of coverage when an application is distributed to the potential buyer.

AND FURTHER AMEND by deleting the last sentence of Section 6 and by substituting instead the following:

The insurer shall mail the refund directly to the applicant in a timely manner and shall not require the applicant to meet with the agent to receive the refund.

AND FURTHER AMEND by deleting the first sentence of Section 7 and by substituting instead the following:

Every issuer of Medicare supplement insurance policies or certificates in this state shall provide a copy of any Medicare supplement advertisement intended for use in this state whether through written, radio or television medium to the commissioner for review or approval by the commissioner.

AND FURTHER AMEND by deleting Section 11 and by substituting instead the following:

Tennessee Code Annotated, Sections 56-7-1401 through 56-7-1407 are amended by deleting those sections in their entirety and by substituting instead Sections 1 through 9 of this act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Herron moved that **House Bill No. 2183**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**\*House Bill No. 1934 -- Sexual Offenses --** Requires person arrested for offense of prostitution to submit to HIV tests; requires person to pay \$100 for test if convicted; establishes procedure for notifying person of test results. Amends TCA, Title 39, Ch. 13, Pt. 5.

Rep. Joyce moved that House Bill No. 1934 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

#### Amendment No. 1

Amend House Bill No. 1934 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. (a) Upon the conviction of the defendant for a violation of §39-13-513, the court shall order the convicted person to submit to an HIV test. Such test shall be performed by a licensed medical laboratory or by the county health department of the county wherein such defendant is convicted. The court shall require such defendant to pay the sum of one hundred dollars (\$100) for the cost of the test.

(b) The results of such HIV test shall be returned to the court and made a part of the

defendant's record.

(c) For purposes of this section, "HIV test" means a test of an individual for the presence of human immunodeficiency virus (HIV), or for antibodies or antigens that result from HIV infection, or for any other substance specifically indicating infection with HIV.

SECTION 2. This act shall take effect July 1, 1992, the public welfare requiring it and shall apply to all persons convicted for the offense of prostitution on or after such date.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 1934 by deleting the final sentence of Section 1(a) and by substituting instead the following:

The court shall require such defendant to pay for the actual cost of the test; provided however, such payment may not exceed one hundred dollars (\$100).

On motion, Amendment No. 2 was adopted.

Rep. Joyce moved that House Bill No. 1934, as amended, be reset to the Calendar for Monday, April 6, 1992, which motion prevailed.

**House Bill No. 2118** -- Wayne County -- Established four-year staggered terms for school board to be elected by districts which coincide with county legislative body districts; changes name from board of school commissioners to board of education. Amends Chapter 89, Private Acts of 1953, as amended.

Rep. McDaniel moved that **House Bill No. 2118** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis,

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Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 2378** -- Appropriations -- Requires judicial branch budget and appropriations bill be separate to include district attorney general and public defender; requires funding of judicial branch no less than 1990-1991 fiscal year.

Further consideration of House Bill No. 2378, previously considered on March 26, 1992, at which time Amendments 1 and 2 were adopted, and the bill was reset to the Calendar for April 1, 1992.

Rep. Buck moved that House Bill No. 2378, as amended, be reset one week to the Calendar for April 8, 1992, which motion prevailed.

**House Bill No. 1897** -- Handicapped Persons -- Requires refueling services at gasoline stations be provided at self-service pump upon request of handicapped drivers of vehicles displaying plate or placard with cost for gasoline at self-service price; provides exemptions, penalties and enforcement. Amends TCA, Title 55, Ch. 21.

Further consideration of House Bill No. 1897, previously considered on the Consent Calendar for March 30, 1992, at which time it was reset to the Calendar for April 1, 1992.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

**REGULAR CALENDAR, CONTINUED**

Rep. Phillips moved that House Bill No. 1897 be passed on third and final consideration.

Rep. Bell moved the previous question, which motion prevailed.

Rep. Phillips moved that **House Bill No. 1897** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Arriola, Fowlkes, Liles -- 3.

A motion to reconsider was tabled.

**House Bill No. 1902** -- Handicapped Persons -- Sets fine for unauthorized parking in handicapped space at \$100; provides that such vehicle may be towed; requires payment of towing fees and storage for return of towed vehicle; prohibits encroachment of vehicle into handicapped parking space. Amends TCA 55-8-160, 55-21-108.

Further consideration of House Bill No. 1902, previously considered on the Consent Calendar for March 30, 1992, at which time it was reset to the Calendar for April 1, 1992.

Rep. Phillips moved that House Bill No. 1902 be passed on third and final consideration.

Rep. U. Jones moved to amend as follows:

#### Amendment No. 1

Amend House Bill No. 1902 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-21-108(a)(1), is amended by deleting the language "of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100)", and by substituting instead the language "of fifty dollars (\$50.00)".

On motion, Amendment No. 1 was adopted.

Rep. Phillips moved that House Bill No. 1902 be passed on third and final consideration.

Rep. Jackson moved the previous question, which motion prevailed.

Thereupon, Rep. Phillips moved that **House Bill No. 1902**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2017** -- Education -- Permits children of teachers to attend school where parent teaches if such school is outside district of residence but must adhere to tuition policy. Amends TCA, Title 49, Ch. 6, Pt. 31.

Further consideration of House Bill No. 2017, previously considered on on the Consent Calendar for March 30, 1992, at which time reset to April 1, 1992.

On motion, House Bill No. 2017 was made to conform with Senate Bill No. 1734.

On motion, **Senate Bill No. 1734**, on same subject, was substituted for House Bill No. 2017.

Rep. Peroulas Draper moved that Senate Bill No. 1734 be passed on third and final consideration.

Rep. Holcomb moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1734 by deleting the amendatory language of Section 1 of the bill and by substituting instead

the following new language:

SECTION 1. Notwithstanding any provision of this part to the contrary [sic], if a parent of a student teaches at a school located outside the school system of their residence, the student may attend such school and must adhere to that school system's tuition requirements. This section shall apply only to teachers and their dependents who are residents of the state of Tennessee.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Peroulas Draper moved that **Senate Bill No. 1734**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**\*House Bill No. 2809** -- Regional Authorities -- Authorizes Wilson County regional solid waste authority to operate pursuant to resolution thereby "grandfathering" any authority created prior to effective date of act; restricts operation to such county until regions formed; suspends flow control authority.

Further consideration of House Bill No. 2809, previously considered on the Consent Calendar for March 30, 1992, at which time it was reset to the Calendar for April 1, 1992.

Rep. Bell moved that **House Bill No. 2809** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong,

Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 2344** -- Board of Regents -- Extends term of past commissioner of education from 20 to 23 years. Amends TCA 49-8-201.

Further consideration of House Bill No. 2344, previously considered on the Consent Calendar for March 30, 1992, at which time it was reset to the Calendar for April 1, 1992.

Rep. Moore moved that House Bill No. 2344 be passed on third and final consideration.

Rep. Pinion moved the previous question, which motion prevailed.

Thereupon, Rep. Moore moved that **House Bill No. 2344** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	79
Noes. . . . .	3
Present and not voting. . . . .	9

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, King, Kisber, Love, McAfee, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Tullos, Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Duer, Joyce Kernell -- 3.

Representatives present and not voting were: Copeland, Holcomb,

Hubbard, Knight, Liles, McDaniel, Nuber, Sipes, Walley -- 9.

A motion to reconsider was tabled.

**House Bill No. 2564** -- Recreational Areas -- Allows municipalities to fund municipal recreational systems from general revenues of municipality, user fees, or other lawful services, as well as from property taxes. Amends TCA 11-24-108, 109.

Further consideration of House Bill No. 2564, previously considered on the Consent Calendar for March 30, 1992, at which time it was reset to the Calendar for April 1, 1992.

At the request of Rep. Byrd, Speaker Pro Tempore DeBerry moved that House Bill No. 2564 be reset to the first available space on the Calendar for Wednesday, April 8, 1992, which motion prevailed.

**\*Senate Bill No. 2448** -- Criminal Offenses -- Requires district attorney, county attorney or city attorney to represent the state, county or city at hearings for the forfeiture of conveyances used in certain theft and arson offenses. Amends TCA, Title 40, Ch. 33.

Further consideration of Senate Bill No. 2448, previously considered on March 30, 1992, at which time it was substituted for House Bill No. 2257, then reset to the Calendar for April 1, 1992.

Rep. U. Jones moved the previous question, which motion prevailed.

Thereupon, Rep. Callicott moved that **Senate Bill No. 2448** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	94
Noes . . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Bivens moved that the rules be suspended for the purpose of introducing **House Resolution No. 176** out of order, which motion prevailed.

**House Resolution No. 0176** -- General Assembly, Confirmation of Appointment -- Richard Fisher, nominating commission for director of TBI. by \*Bivens, \*Harrill, \*Kent, \*Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Bivens, the resolution was adopted by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Napier moved that the rules be suspended for the purpose of introducing **House Resolution No. 177** out of order, which motion prevailed.

**House Resolution No. 0177** -- General Assembly, Confirmation of Appointment -- Robert L. Jones, Nominating Commission for director of TBI. by \*Napier, \*Moore, \*Chiles, \*Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Napier, the resolution was adopted by the following vote:

Ayes. . . . .	91
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

#### BILL RECALLED

Mr. Speaker Naifeh directed House Bill No. 2452 be recalled from the Health and Human Resources Committee and held on the Clerk's desk, to be treated as a local bill.

#### BILL RECALLED

Rep. Rhinehart moved that House Bill No. 118 be recalled from the Commerce Committee and referred to the Judiciary Committee, which motion prevailed.

#### RULES SUSPENDED

Rep. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 624 out of order, which motion prevailed.

**House Joint Resolution No. 0624** -- Memorials, Professional and Business Achievement -- Tennessee Electric Cooperative Association, 50th Anniversary. by \*Hillis, \*Naifeh, \*Rhinehart, \*Davidson, \*Wix, \*Pinion, \*Whitson, \*Cross, \*Winningham, \*Bell, \*Ridgeway, \*Duer, Phillips, Buck.

On motion, the rules were suspended for the immediate consideration of the resolution.

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On motion of Rep. Hillis, the resolution was adopted.

A motion to reconsider was tabled.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, April 2, 1992:

**House Bill No. 602:** Rep. Huskey.

**House Bill No. 891:** Rep. Williams (Shelby).

**House Bill No. 1743:** Rep. Rhinehart.

**RULES SUSPENDED**

Rep. Davis (Cocke) moved that the rules be suspended for the purpose of introducing House Resolution No. 174 out of order, which motion prevailed.

**House Resolution No. 0174** -- Memorials, Congratulations -- Newport Theatre Guild. by \*Davis R E.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Davis (Cocke), the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Jackson moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that all bills recommended by the Medicaid subcommittee Tuesday can be heard in the Health and Human Resource Committee Wednesday, which motion prevailed.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1000:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 1887:** Rep(s). Williams (Union) as prime sponsor(s).

**House Bill No. 1897:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 1902:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 1954:** Rep(s). Arriola and Venable as prime sponsor(s).

**House Bill No. 2183:** Rep(s). Jackson as prime sponsor(s).

**House Bill No. 2200:** Rep(s). Clark as prime sponsor(s).

**House Bill No. 2201:** Rep(s). Clark as prime sponsor(s).

**House Bill No. 2381:** Rep(s). Armstrong as prime sponsor(s).

**House Bill No. 2411:** Rep(s). Buck as prime sponsor(s).

**House Bill No. 2529:** Rep(s). Haley as prime sponsor(s).

**House Bill No. 2684:** Rep(s). Johnson as prime sponsor(s).

**House Bill No. 2765:** Rep(s). Givens as prime sponsor(s).

**House Joint Resolution No. 538:** Rep(s). Walley and Pinion as prime sponsor(s).

### **INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**House Resolution No. 0175 --** General Assembly, Studies -- Creates house committee to study mandatory drug and alcohol testing of hospital workers. by \*Turner B.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0616 --** Naming and Designating -- "Help Yourself, Buy American Day," Labor Day 1992. by \*Clark, \*Bivens, \*West, \*Turner L, \*Walley.

Referred by the Speaker to the Consumer and Employee Affairs Committee.

**House Joint Resolution No. 0617 --** Memorials -- Amanda "Mandy" Jo Moore. by \*Bell.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0619 --** Memorials, Sports -- Shelbyville Central High School girls' basketball team, TSSAA Class AAA state champion. by \*Phillips.

Referred by the Speaker to the Calendar and Rules Committee.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred as noted:

**\*Senate Joint Resolution No. 0364** -- Memorials, Congress -- Urges development and use of environmentally sensitive domestic alternative fuels.

Referred by the Speaker to the Conservation and Environment Committee.

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 2829 and 2831, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 2829** -- Naming and Designating -- "Tennessee" by Vivian Rorie, Official state song. Amends TCA 4-1-302. by \*Knight.

**\*House Bill No. 2831** -- Paternity -- Allows putative father with consent of mother to acknowledge paternity at hospital where child born; requires registry of all acknowledgment in juvenile courts; provides that order may be rescinded under certain circumstances. Amend TCA 36-2-202. by \*Williams K, Kernell.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2824** -- Jonesborough -- Provides for city judge to be appointed by board of mayor and aldermen; provides \$100 monthly compensation to mayor and aldermen. Amends Chapter 135, Acts of 1903, as amended. by \*Robinson Ruth.

Passed first consideration.

**House Bill No. 2825** -- Lookout Mountain -- Rewrites charter. Amends Chapter 152, Acts of 1911, as amended. by \*McAfee.

Passed first consideration.

**House Bill No. 2826** -- Greenfield -- Establishes new charter. Repeals Chapter 661, Private Acts of 1929, as amended. by \*Herron.

Passed first consideration.

**House Bill No. 2828** -- Wilson County -- Changes election of highway superintendent; provides for highway committee. Repeals Chapter 194, Private Acts of 1961. by \*Buck, \*Bell.

Passed first consideration.

**House Bill No. 2830** -- Naming and Designating -- "Coy Gaither Bedford Lake," Lake Bedford, Bedford County. by \*Phillips.

Passed first consideration.

### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**\*Senate Bill No. 1661** -- Pensions and Retirement Benefits -- Expands TCRS board of trustees by adding one retired member to be appointed by governor to serve two year term. Amends TCA, Title 8, Ch. 34, Pt. 3. (HB 1672).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1746** -- Salaries and Benefits -- Authorizes commissioner of labor to enter into reciprocal agreements with other states for collection of wages; limits actions to collect claims and judgments by other states to states extending like comity to cases arising in Tennessee. Amends TCA, Title 50, Ch. 2, Pt. 1. (HB 2189).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1761** -- Education, Higher -- Revises higher education law. Amends TCA, Title 49, Chs. 7--9, 50. (HB 1734).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1821** -- Criminal Procedure -- Makes technical changes to forfeiture and boot camp statutes to bring in conformity with terminology of Criminal Sentencing Reform Act of 1989. Amends TCA 40-20-205, 40-33-101, 108. (HB 2456).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1822** -- Bail, Bail Bonds -- Clarifies list of offenses for which no bail is available pending appeal. Amends TCA 40-11-103, 40-26-102, 40-35-116. (HB 2455).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1824** -- Osteopathy -- Increases number of members of board of osteopathic examination constituting quorum from three to four. Amends TCA, Title 63, Ch. 9. (HB 1767).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1882** -- Criminal Offenses -- Permits consent as defense to criminal offense involving bodily harm when injury is not serious and conduct and harm are foreseeable hazards. Amends TCA 39-13-104. (HB 2350).

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Held pending third consideration of companion House Bill.

**Senate Bill No. 2126** -- Sexual Offenses -- Creates separate offense of rape of child. Amends TCA, Title 39, Ch. 13, Pt. 5. (\*HB 1874).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 2143** -- County Government -- Allows county and municipal governments to charge for fire alarm services; impose penalties for false alarms. Amends TCA 62-32-321. (HB 2194).

Held pending third consideration of companion House Bill.

**Senate Bill No. 2340** -- Transportation, Dept. of -- Establishes criteria for selecting truck weight and inspection sites. Amends TCA, Title 55, Ch. 7; Title 65, Ch. 15. (\*HB 1955).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 2554** -- Motor Vehicles -- Permits vehicles used for law enforcement purposes to violate certain rules of the road without using siren or light if in route to scene of crime in progress and use would jeopardize safety of driver, member of public or would impair driver's ability to apprehend criminal. Amends TCA, Title 55, Ch. 8. (HB 2424).

Held pending third consideration of companion House Bill.

**Senate Bill No. 2589** -- Auditing -- Clarifies responsibility for payment of auditing and accounting services. Amends TCA 9-3-212. (\*HB 2399).

Held pending third consideration of companion House Bill.

**Senate Bill No. 2636** -- Education -- Requires candidates for county boards of education to have G.E.D. to qualify for election. Amends TCA 49-2-202. (\*HB 2450).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 2724** -- Drugs -- Makes it criminal offense to casually exchange controlled substance even if person has valid prescription for substance. Amends TCA 39-17-418. (HB 2632).

Held pending third consideration of companion House Bill.

**Senate Bill No. 2726** -- Taxes, Income -- Prohibits income taxation exempt interest dividends from Subchapter M investment companies and earnings from investment funds organized as grantor trust as long as 75 percent of investment value is in United State or Tennessee bonds. Amends TCA, Title 67, Ch. 2. (\*HB 2603).

Held pending third consideration of companion House Bill.

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**Senate Bill No. 2754** -- Highway Signs -- Clarifies provisions relative to vandalism. Amends TCA 39-14-412. (\*HB 2647).

Held pending third consideration of companion House Bill.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**\*House Bill No. 2814** -- Health -- Passed second consideration and Conservation and Environment Committee.

**\*House Bill No. 2816** -- Hospitals and Health Care Facilities -- Passed second consideration and Finance, Ways and Means Committee.

**House Bill No. 2817** -- Greenbrier -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**RULES SUSPENDED**

Rep. DeBerry moved that the rules be suspended for the purpose of introducing House Resolution No. 178 out of order, which motion prevailed.

**House Resolution No. 0178** -- Memorials, Public Service -- 1992 Special Arts Festival in Memphis. by \*DeBerry, \*Chumney.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. DeBerry, the resolution was adopted.

A motion to reconsider was tabled.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

**April 1, 1992**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2452 and 2817.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

**April 1, 1992**

**MR. SPEAKER:** The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for **Monday, April 6, 1992:** House Bill(s)

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No(s). 2452 and 2817; also, House Joint Resolution(s) No(s). 617 and 619.

PHILLIPS, Chair.

**MESSAGE FROM THE SENATE  
April 1, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1868, 1974, 2333, 2341, 2349, 2351 and 2539; also, House Joint Resolution(s) No(s). 454; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 1, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 900, 1722, 1750, 1825, 2054, 2079, 2196, 2274, 2372, 2528 and 2531; also, Senate Joint Resolution(s) No(s). 396, 398 and 406; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
April 1, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1868, 1974, 2333, 2341, 2349, 2351 and 2539; also, House Joint Resolution(s) No(s). 454; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS  
April 1, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2447 and 2594; also, House Joint Resolution(s) No(s). 618; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 1, 1992

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2260, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

MESSAGE FROM THE SENATE

April 1, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2467; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1798, 2692, 2693, 2694, 2705 and 2811; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2619; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 2619** -- Sunset Laws -- Four Lake industrial regional development authority, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 5. by \*Hicks.

MESSAGE FROM THE SENATE

April 1, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1841; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2734; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

SIGNED

April 1, 1992

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 900, 1722, 1750, 1825, 2054, 2079, 2196, 2274, 2372, 2528 and 2531; also, Senate Joint Resolution(s) No(s). 396, 398 and 406.

ENGROSSED BILLS

April 1, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2344; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

ENGROSSED BILLS

April 1, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1897, 1902, 2118, 2183 and 2809; also, House Joint Resolution(s) No(s). 624; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 1, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2141 and 2344; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 374, 1692, 2090, 2418, 2578, 2626, 2635, 2650, 2678, 2750, 2753 and 2812; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Bill No. 0374** -- Hospitals and Health Care Facilities -- Restructures membership of board for licensing health care facilities. Amends TCA 68-11-203. by \*Ford, \*Henry, Davis E.

**\*Senate Bill No. 1692** -- Animals -- Authorizes Shelby County and municipalities located therein to regulate sale, ownership, keeping and destruction of cats and dogs. by \*Dunavant.

**Senate Bill No. 2090** -- Pensions and Retirement Benefits -- Allows state employee who is member or retired member of armed forces who participated in Persian Gulf War to receive retirement credit for such service. Amends TCA 8-34-605. by \*Dunavant, \*Person, Womack, McNally, Darnell, Burks, Springer, Jordan, Cooper.

**\*Senate Bill No. 2418** -- Taxes, Real Property -- Authorizes prior state and local review of property tax incentives for economic development to uniformly determine property tax liability of new investment prospects. by \*Dunavant, Elsea, Hamilton, McKnight, Henry.

**Senate Bill No. 2578** -- Insurance, Health, Accident -- Enacts "Tennessee Small Employer Group Health Coverage Reform Act". Amends TCA, Title 56. by \*Hamilton, Cooper, Haynes, Crowe, Albright, Darnell, Crutchfield, Montgomery, Harper, Cohen, Davis E, Elsea, Kyle, Rochelle, Dunavant, Jordan, McKnight, Wilder, Springer, Gilbert.

**\*Senate Bill No. 2626** -- State Government -- Enacts "Open Appointments Act". Amends TCA, Title 10, Ch. 7. by \*Cohen, Hamilton, Harper, Gilbert.

**Senate Bill No. 2635** -- Teachers -- Authorizes local board of education to require teacher applicants to submit to background check to verify criminal offenses and to submit to fingerprint check; requires local boards to assume TBI costs for investigations. Amends TCA, Title 38, Ch. 6, Pt. 1; Title 49, Ch. 5. by \*Springer.

**Senate Bill No. 2650** -- Water Resources -- Permits commissioner to deny permit to water treatment plant if plan submitted would interfere with countywide water service plan. Amends TCA, Title 69, Ch. 3. by \*Springer.

**\*Senate Bill No. 2678** -- Mines, Mining -- Removes from inclusion in regrading plans highwall elimination and spoil piles which no

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longer pose hazards to environment if demonstrated new technology methods approved by commissioner. Amends TCA 59-8-208. by \*Hamilton.

**Senate Bill No. 2750** -- Real Estate Agents and Brokers -- Permits real estate salesmen and brokers to be members of real estate appraisers commission; restricts appraisal from including evaluation of real property collateral or other document prepared to conform with regulatory requirements of financial institution. Amends TCA, Title 62, Ch. 39. by \*Albright.

**Senate Bill No. 2753** -- Hazardous Materials -- Makes summary information concerning source reduction activities of waste generators public record. Amends TCA, Title 68, Ch. 46. by \*Jordan.

**Senate Bill No. 2812** -- Montgomery County -- Enacts adequate school facilities tax. by \*Darnell.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

On motion of Rep. Bell, the House recessed until 9:00 a.m., Thursday, April 2, 1992.